

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

| | | |
|--|---|--------------------------------------|
| SOUTH CAROLINA COASTAL CONSERVATION LEAGUE, <i>et al.</i> , |) | |
| |) | |
| |) | |
| Plaintiffs, |) | Case No. 2:20-cv-01687-DCN |
| |) | |
| v. |) | DECLARATION OF J. BLANDING |
| |) | HOLMAN IV IN SUPPORT OF |
| ANDREW R. WHEELER, <i>et al.</i> , |) | PLAINTIFFS' REQUEST FOR |
| |) | JUDICIAL NOTICE IN SUPPORT OF |
| Defendants, |) | MOTION FOR SUMMARY |
| |) | JUDGMENT |
| AMERICAN FARM BUREAU FEDERATION, <i>et al.</i> , |) | |
| |) | |
| |) | |
| Intervenor-Defendants. |) | |
| |) | |

I, J. Blanding Holman IV, hereby declare as follows:

1. I am a Senior Attorney at the Southern Environmental Law Center and am one of the attorneys representing Plaintiffs South Carolina Coastal Conservation League, et al., in this action. I am a member of good standing in the bars of the State of South Carolina, the Fourth Circuit Court of Appeals, and the United States Supreme Court, among others.

2. On July 9, 2020, I visited the website of the North Carolina Department of Environmental Quality, at the following address:

<https://files.nc.gov/ncdeq/Coal%20Ash/2020-actions/3425-final-permit-signed-2020.pdf>.

From that page, I downloaded a complete copy of the Letter from S. Daniel Smith, Director of the Division of Water Resources of the North Carolina Department of Environment and Natural Resources, to Paul Draovitch, Senior Vice President, Environmental, Health and Safety at Duke Energy Carolinas, LLC, regarding Final NPDES Permit Renewal, and

attached NPDES Permit No. NC00003425 (May 29, 2020). A true and correct copy of an excerpt of this document is produced as Exhibit 55.

3. On July 9, 2020, I visited the website of the North Carolina Department of Environmental Quality, at the following address:

<https://edocs.deq.nc.gov/WaterResources/DocView.aspx?id=853173&dbid=0&repo=WaterResources>. From that page, I downloaded a complete copy of the Letter from Duke Energy to Ms. Julie Grzyb, Supervisor, NPDES Complex Wastewater Permitting, regarding Roxboro Steam Electric Plant, NPDES Permit NC0003425; Request for Designation as Closed-Cycle Recirculating System (March 29, 2019). A true and correct copy of an excerpt of this document is produced as Exhibit 56.

4. On July 9, 2020, I visited the website of the United States Environmental Protection Agency at the following address:

[https://yosemite.epa.gov/sab/sabproduct.nsf/WebBOARD/729C61F75763B8878525851F00632D1C/\\$File/EPA-SAB-20-002+.pdf](https://yosemite.epa.gov/sab/sabproduct.nsf/WebBOARD/729C61F75763B8878525851F00632D1C/$File/EPA-SAB-20-002+.pdf). From that page, I downloaded a complete copy of the Letter from Dr. Michael Honeycutt, Chair of the U.S. Environmental Protection Agency Science Advisory Board, to Andrew R. Wheeler, Administrator of the U.S. Environmental Protection Agency, regarding Commentary on the Proposed Rule Defining the Scope of Waters Federally Regulated under the Clean Water Act (Feb. 27, 2020). A true and correct copy of this document is produced as Exhibit 57.

5. On July 9, 2020, I visited the website of the United States Nuclear Regulatory Commission at the following address: <https://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1437/supplement2/sr1437s2.html>. From that page, I downloaded a complete copy of the U.S. Nuclear Regulatory Commission, Generic Environmental Impact

Statement for License Renewal of Nuclear Plants, Oconee Nuclear Station, Units 1, 2, and 3 (NUREG-1437 Supplement 2) (last updated Aug. 27, 2015). A true and correct copy of an excerpt of this document is produced as Exhibit 58.

6. On July 9, 2020, I visited the website of the United States Environmental Protection Agency at the following address: <https://www.epa.gov/nm/lanl-industrial-wastewater-permit-draft-permit-no-nm0028355>. From that page, I downloaded a complete copy of the draft permit, NPDES Permit No. NM0028355, Authorization to Discharge under the National Pollutant Discharge Elimination System. A true and correct copy of an excerpt of this document is produced as Exhibit 59.

7. On July 9, 2020, I visited the CM-ECF home page for the United States District Court for the Northern District of California at the following address: <https://ecf.cand.uscourts.gov/cgi-bin/login.pl>. From that page, I selected “Query” and input the case number “3:20-cv-03005,” selected “Find This Case,” and then selected “Run Query.” On the resulting page, I selected “Docket Report.” On the resulting page, I selected “Run Report.” On the docket page, I selected document number 106, and on the resulting page, selected “View Document.” From that page, I downloaded a complete copy of document number 106: California v. Wheeler, No. 3:20-cv-03005, Opp. to Pls. Mot. for Prelim. Inj., Doc. 106 (N.D. Cal. June 1, 2020). A true and correct copy of this document is produced as Exhibit 60.

8. On July 9, 2020, I visited the CM-ECF home page for the United States District Court for the District of South Carolina at the following address: <https://ecf.scd.uscourts.gov/cgi-bin/login.pl>. From that page, I selected “Query,” input the case number “2:18-cv-00330,” selected “Find This Case,” and then selected “Run Query.”

On the resulting page, I selected “Docket Report.” On the resulting page, I selected “Run Report.” On the docket page, I selected document number 62-1, and on the resulting page, selected “View Document.” From that page, I downloaded a complete copy of document 62-1: S.C. Coastal Conservation League v. Pruitt, No. 2:18-cv-00330 (DCN), Memo. in Opposition to Pls’ Mot. for Sum. Jdgmt. and in Support of Defs. Cross-Motion for Sum. Jdgmt., Doc. 62-1 (D.S.C. June 22, 2018). A true and correct copy of this document is produced as Exhibit 61.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 9th day of July 2020, in Charleston, South Carolina.



J. Blanding Holman IV